Court Decisions Affecting the Negro - 1931.

Supreme Court Upholds Right To Probe Juries for Prejudice

Afro-American 4-25-31 Baltimore.

Only Southerner on Bench is Outvoted 8-1. Chief Justice Hughes Speaks for Majority; Says Prejudice Probably Exists in D.C.

WASHINGTON, D. C. — The Supreme Court, highest in the land, decided April 20 that in cases involving colored and white people, prospective jurors may be quizzed to determine whether they have race prejudice.

Seventy-four years after a Democratic Chief Justice, Roger Taney, gave his infamous decision on the fugitive slave in the Dred Scott Case, saying "the Negro has no rights which the white man is bound to respect," a Republican Chief Justice Charles Evans Hughes, delivered his decision directly to the contrary.

The decision was almost unanimous.

Mr. Chief Justice Hughes, New York born and educated, delivered the majority opinion.

Mr. Justice McReynolds, Kentucky born, Vanderbilt (Nashville, Tenn), educated, a bachelor and the only Southerner on the bench, was the only objector, and delivered a minority opinion, referring to the terms "race prejudice" and "Southerner," he inserted the words in parenthesis "(whatever that may be)."

The decision saved from the electric chair a Washington man, Alfred Scott Aldridge, who was convicted of the murder, in July, 1929, of Harry J. MacDonald (white), a policeman, and had been sentenced to die on May 8.

His appeal was won by James F. Reilly (white), a former page in the Senate, now a 28-year-old lawyer appearing for the first time in the Supreme Court. Reilly held the trial court erred in not permitting talesmen to be asked whether they would have prejudice in a case when the defendant was colored and the victim white.

The Supreme Court's decision upset a decision of the D.C. Court of Appeals.

One Jury Had Disagreed

Aldridge was tried once in the District Court, but there was a disagreement. In the second trial in the same court, in which Aldridge was convicted, his counsel, James A Reilly, told the judge he had heard that in the first trial a Southern woman juror had said the fact that Aldridge was a Negro and the policeman a white man "perhaps somewhat influenced her." Reilly suggested putting a question of racial prejudice to the new jury, but the judge overruled him, saying he did not think this any more proper than to ask a man "whether he likes an Irishman or Scotchman."

Justice Hughes said in the opinion of the court:

"The argument is advanced on behalf of the government that it would be detrimental to the administration of the law in the courts of the United States to allow questions to jurors as to racial or religious prejudices. We think it would be far more injurious to permit it to be thought that persons entertaining disqualifying prejudice were allowed to serve as jurors and inquiries designed to elicit the fact of this disqualification were barred. No surer way could be devised to bring the proceedings of justice into disrepute."

Mr. Hughes said the question of racial prejudice had been asked about in various trials in Florida, Mississippi and elsewhere. He said:

"The practice of permitting questions as to racial prejudice is not confined to any section of the country, and this fact attests the widespread sentiment that fairness demands that such inquiries be allowed.

"This is a New York, on the trial of a Negro for the murder of his wife, who was white, a talesman, who had testified to a disqualifying prejudice, was excluded by the court on its own motion, and the court of appeals held that the exclusion was not error."

Answers Appeal Court

Answering the statement of the Court of Appeals, which declared that in the District of Columbia the colored race is accorded all the privileges and rights und erthe law that are afforded to the white race and especially the right to practice in the court and serve on juries, Justice Hughes said:

"The question is not as to the civil privileges of the Negro or as to the dominant sentiment of the community and the general absence of any disqualifying prejudice, but as to the bias of the particular jurors who are to try the accused.

"If in fact, sharing the general sentiment, they were found to be impartial, no harm would be done in permitting the question, but if any one of them was shown to entertain a prejudice which would preclude his rendering a fair verdict, a gross injustice would be perpetrated in allowing him to sit.

"Despite the privileges accorded to the Negro, we do not think that it can be said that the possibility of such prejudice is so remote as to justify the risk in forbidding the inquiry. And this risk becomes most grave when the issue is of life and death."

What McReynolds Said

"Solely because of the refusal of the trial judge to pronounce an undisclosed question 'relative to racial questions' (whatever that may be)," said Justice McReynolds, "we are asked to upset a judgment approved by the judges of both local courts who, it is fair to presume, understand conditions in the District better than we do.

"Nothing is revealed by the record which tends to show that any juror entertained prejudice which might have impaired his ability to pass upon the issues. It is not even argued that considering the evidence presented there was room for reasonable doubt of guilt.

"Unhappily, the enforcement of our criminal laws is scandalously ineffective. Crimes of violence multiply, punishment walks lamely. The courts ought not to increase the difficulty by magnifying theoretical possibilities."

In Court Again

Afro-American 4-25-31 Chicago.

ONCE more we are in court, and happily, and surprisingly, we won a point. The Supreme Court of the United States, through Mr. Chief Justice Hughes, said to have been the ablest American lawyer before his appointment to the Bench, decided that a lawyer has the right to question a prospective juror as to his feelings about the defendant's race, color or religion. The trial judge had ruled that the lawyer for Alfred Scott Aldridge, a Negro, accused of the murder of a "white" policeman, could not ask a juror if he was prejudiced against Scott on account of his color.

The Court would have been unanimous in the decision but for the dissent of Justice McReynolds of Elkton and Nashville, Tenn.

Justice McReynolds, a great lawyer and a member of a Kentucky family distinguished for fairness, dissented in the law and not because of the "race of the defendant." However, it would have been better for his reputation as a member of the Supreme Court to join the preponderant wisdom of the Court. The spirit of our laws is now at war with the letter, and the arbitrament of the Supreme Court will be appealed to more and more.

"Courts," Mr. Justice McReynolds declares in the dissent, "ought not to increase the difficulties (of criminal law) by magnifying theoretical possibilities." There was no theory in this case. A man had been convicted and sentenced to death. He felt that he would have fared better if the jurors had been polled as to their ideas about a man's race, and went up. The case is all of reality and nothing of the theoretical.

Mr. Justice Hughes should be quoted upon the main point because of the clarity, the justice of his conclusion:

> "The argument is advanced on behalf of the Government that it would be detrimental to the administration of the law in the courts to allow questions to jurors as to racial or religious prejudices.
>
> "We think that it would be far more injurious to permit it to be thought that persons entertaining disqualifying prejudices were allowed to serve as jurors and that inquiries designed to elicit the fact of disqualification were barred. No surer way could be devised to bring the processes of justice into disrepute."

Mr. Justice McReynolds, upon rereading the majority opinion, could afford to recall the dissent and join a decision rare in equity and reason, and which will live in citation.

In quoting the qualifying word "southerner," as it related to a woman juror who admitted that being a "southerner" she might have been prejudiced against Aldridge, Mr. Justice McReynolds added, in parentheses, "whatever that may mean."

If there is any doubt in the justice's mind as to the meaning of the word "southerner," he is free of it the moment he lays his opinion alongside that of Mr. Hughes. Mr. McReynolds speaks of "culprits"; Mr. Hughes of justice. There can be no "culprits" before the Supreme Court. It is concerned entirely with the processes of justice. The word "culprit" is a southern word immediate to the lip where a Negro is accused of crime.

The word "southerner" means trying a man for his color; disregarding evidence: use of the word "Nigger" in courts supposed to be above that. It means the Jim Crow car and the disgrace known in the South as the public school system. It means treachery to accepted procedure in the law and hanging a man by his hopes before handing him to the gallows.

The "southerner," to appropriate a phrase from Mr. Justice Hughes, "devised the way to bring the processes of justice into disrepute." He has poisoned his own wells and is tampering with his neighbor's. A "southerner" wrote Mr. Justice McReynolds' opinion. A "northerner" drafted Mr. Hughes'. Also a "southerner" wrote the Dred Scott decision and, thereby, brought on the Civil War.

In this decision the Supreme Court has won the respect of every honest lawyer and the gratitude of a whole Race.

GREENSBORO, N. C.
NEWS
APR 25 1931

RACE PREJUDICE IN COURT

Questions that may be asked prospective jurors, to reveal their prejudices as they may affect their judgment, vary in different jurisdictions. The Supreme court of the United States holds, 8 to 1, that prospective jurors may be questioned as to racial prejudices; and it is interesting to note that the court cites rulings in a number of state courts, including Florida, Mississippi and North Carolina, upholding specific questions about race prejudice. The decision, then, does not affect North Carolina, since our high court has already held that such questions are permissible.

The decision was in a murder case going up from the District of Columbia. A negro killed a policeman. When his attorney attempted to question persons called for jury service as to possible bias because the defendant was black and his victim white and an officer of the law, he was stopped by the court on objection of the prosecution. The court ruled that questions as to race prejudice could be extended to all sorts of prejudices and opened the way for almost unlimited objection. The negro was convicted and sentenced to death. His counsel secured a review from the Supreme court, which is unusual in such cases; and what is more unusual secured a reversal of the verdict from an almost unanimous court. Justice McReynolds was the sole dissenter. He was emphatic in his declaration that the decision could but increase the difficulties in the way of enforcing the criminal law by "magnifying theoretical impossibilities." Which may be; but everybody knows racial prejudices, especially in some cases and in some localities, are at times so strong that an unbiased hearing is impossible.

Taking note of the objection that it would be detrimental to the administration of the law to allow questions to jurors as to racial and religious prejudices, Chief Justice Hughes, speaking for the majority of the court, declared that "it would be far more injurious to permit it to be thought that persons entertaining a prejudice were allowed to serve as jurors, and that inquiries designed to elicit the fact of disqualification were barred. No surer way could be devised," the chief justice holds, "to bring the processes of justice into disrepute."

It is recognized among observers of court proceedings down this way that in a criminal action against a black man for injury to a white the black has to overcome prejudice that is inherent. On the contrary, in a civil action ir volving property, no matter whe'.er the black is plaintiff or defendant, he is more than likely to have the advantage in sympathy. Whenever a white man goes to law with a negro about property there is a suspicion that the white is trying to impose on the black and the latter benefits by that feeling even when he is not entitled to it.

JURIES AND RACE PREJUDICE

Norfolk, which has recently had an enlightening demonstration of the part played by the race factor in bedeviling the processes of justice, should be interested in the United States Supreme court's action this week in granting a new trial to a Washington, D. C., negro found guilty in the lower court of murder, on the ground that the trial court erred in refusing to permit his counsel to ask jurors if they had any prejudice against him because of his race. "The propriety of such an inquiry has been generally recognized," said Chief Justice Hughes in announcing the court's opinion. Justice McReynolds, dissenting from this view, held that enforcement of criminal laws was "scandalously ineffective" and that courts should not increase "their difficulties by magnifying theoretical possibilities."

Theory supports Justice McReynolds but the facts support the chief ju.ce and the majority which sided with him. In theory American justice knows no distinctions of race and no distinctions should be imported into it from the outside. In practice, as every person familiar with conditions in the south knows, the administration of justice is strongly colored by the racial prejudices that rule the environment and the crime. It is no "theoretical possibility" that a negro man may be short changed in southern courts (and in northern courts, too) but an actuality that is demonstrated many times every year. No white man would have been sentenced to the electric chair on the kind of evidence that sufficed to put William Harper a few weeks ago in the shadow of death.

No great revolution in the administration of justice as between the races is to be expected from the Supreme court's decision that jurors may properly be interpellated on their freedom from race prejudice, for the bias which this decision seeks to eliminate is deep-seated and hardly to be neutralized by a verbal assurance of impartiality. But the validation of this kind of jury-qualification is a salutary development. As long as juries are recruited exclusively from white panels—as they invariably are in the south and as they usually are elsewhere in the United States—it is pertinent to the administration of even-handed justice in trials in which negroes are accused of crimes against white people, to take every reasonable precaution against submitting the case to jurors so hopelessly biased on the race question that they are unwilling to give verbal assurance of their neutrality.—Norfolk Virginian-Pilot.

HIGHEST COURT RULES ON RACIAL QUESTION

4-21-31

WASHINGTON, April 20.—(AP)—A District of Columbia negro sentenced to death for murder was granted a new trial today by the supreme court because the trial judge had not permitted jurors to be asked if they had any prejudice.

It was one of three cases in which the court handed down written opinions during a brief session.

Alfred Scott Aldridge, the negro, was convicted of having shot to death Harry J. McDonald, a white policeman, in July, 1929. The District of Columbia court of appeals refused to allow him a new trial on the judge's refusal to permit counsel for Aldridge to ask the jurors if they had any prejudice against the man because he was a negro.

"The propriety of such an inquiry had been generally recognized," Chief Justice Hughes said in announcing the court's decision.

Justice McReynolds, in disagreeing, said enforcement of criminal laws was "scandalously ineffective" and added courts should not increase "their difficulties by magnifying theoretical possibilities."

Two Georgians, however, failed in an effort to have the court give them a respite from death sentences. Cases brought by Burley Adams, convicted of murder in Columbia county, and Arthur Meyers in Richmond county, were dismissed.

Fred Strang, convicted in the federal district court of northern Texas on a charge of using the mails to defraud, attempted to have his sentence set aside on the ground that one of the jurors who tried him had been convicted of manslaughter and was disqualified. The court refused to consider his plea.

Most of the day was devoted to disposing of cases asking reviews, the court refusing to reconsider most of them, one being the government's claim that the estate of the late John Wanamaker, of Philadelphia, owed $10,000,000 in taxes.

The court said it would wait until it heard argument in the case of Thomas L. Wolfe, of Tensas parish, Louisiana, who claims his property is being taken without compensation under the Jadwin flood control program, before it would decide whether it would pass upon the question raised.

NEW YORK TIMES
APR 21 1931

NEGROES CAN BAR PREJUDICE ON JURY

Federal Supreme Court Holds Questions on Race Feeling May Be Asked Talesmen in Trial.

CONDEMNED MAN IS SAVED

Convicted of Killing Capital Policeman After Court Bars Test—Young Lawyer Wins Case.

Special to The New York Times.

WASHINGTON, April 20.—Counsel for a Negro has the right to ask whether jurors who may try him will be affected by race prejudice, according to a decision handed down by the United States Supreme Court today.

The decision saved from the electric chair a Washington Negro, Alfred Scott Aldridge, who was convicted of the murder, in July, 1929, of Harry J. MacDonald, a policeman, and had been sentenced to die on May 8. His appeal was won by James F. Reilly, a former page in the Senate, now a 28-year-old lawyer appearing for the first time in the Supreme Court. Reilly held the trial court erred in not permitting talesmen to be asked whether they would have prejudice in a case when the defendant was colored and the victim a white policeman.

All members of the Supreme Court except Justice McReynolds united in the opinion written by Chief Justice Hughes in favor of Aldridge. It upset a decision of the District of Columbia Court of Appeals.

One Jury Had Disagreed.

Aldridge was tried once in the District Court, but there was a disagreement. In the second trial in the same court, in which Aldridge was convicted, his counsel, James A. Reilly, told the judge he had heard that in the first trial a Southern woman juror had said the fact that Aldridge was a Negro and the police man a white man 'perhaps some what influenced her." Reilly suggested putting a question of racial prejudice to the new jury, but the judge overruled him, saying he did not think this any more proper than to ask a man "whether he likes an Irishman or Scotchman."

Justice Hughes said in the opinion of the court:

"The argument is advanced on behalf of the government that it would be detrimental to the administration of the law in the courts of the United States to allow questions to jurors as to racial or religious prejudices. We think it would be far more injurious to permit it to be thought that persons entertaining disqualifying prejudice were allowed to serve as jurors and inquiries designed to elicit the fact of this disqualification were barred. No surer way could be devised to bring the processes of justice into disrepute.

Judge Acted Summarily.

"The reference to what counsel had heard as to the attitude of a juror on a previous trial, where the jury had disagreed, indicated the purpose of the question, which was clear enough to invoke appropriate action by the court. If the court had permitted the question it doubtless would have been properly qualified. But the court, interrupting counsel, disposed of the inquiry summarily.

"The court failed to ask any question which could be deemed to cover the subject. If the defendant was entitled to have jurors asked whether they had any racial prejudice, by reason of the fact the defendant was a Negro and the deceased a white man, which would prevent their giving a fair and impartial verdict, we cannot properly disregard the court's refusal merely because of the form in which the inquiry was presented."

Mr. Hughes said the question of racial prejudice had been asked about in various trials, in Florida, Mississippi, New York and elsewhere.

No Question of Civil Privileges.

"We do not overlook," he continued, "the reference of the Court of Appeals in support of the ruling of the trial court to conditions in the District of Columbia, 'where the colored race is accorded privileges and rights under the law that are afforded the white race and especially the right to practice in the courts, serve on the jury, &c.'; but the question is not as to the civil privileges of the Negro, or as to the dominant sentiment of the community and the general absence of any disqualifying prejudice, but as to the bias of the particular jurors who are to try the accused.

"In fact if, sharing the genera sentiment, they were found to be impartial, no harm would be done ir permitting the question, but if any one of them was shown to entertai a prejudice which would prejudice his rendering a fair verdict, a gross injustice would be perpetrated in allowing him to sit.

"Despite the privileges accorded to the Negro we do not think it can be said that the possibility of such prejudice is so remote as to justify the risk in forbidding the inquiry. And this risk becomes most grave when the issue is of life or death."

McReynolds Sees No Prejudice.

Justice McReynolds, in dissenting from the opinion, said no one knows precisely what constitutes race prejudice, adding that the trial judge and the Appellate Court should be sustained in their attitude that there was no prejudice materially affecting

GREENSBORO, N. C.
NEWS
APR 25 1931

RACE PREJUDICE IN COURT

Questions that may be asked prospective jurors, to reveal their prejudices as they may affect their judgment, vary in different jurisdictions. The Supreme court of the United States holds, 8 to 1, that prospective jurors may be questioned as to racial prejudices; and it is interesting to note that the court cites rulings in a number of state courts, including Florida, Mississippi and North Carolina, upholding specific questions about race prejudice. The decision, then, does not affect North Carolina, since our high court has already held that such questions are permissible.

The decision was in a murder case going up from the District of Columbia. A negro killed a policeman. When his attorney attempted to question persons called for jury service as to possible bias because the defendant was black and his victim white and an officer of the law, he was stopped by the court on objection of the prosecution. The court ruled that questions as to race prejudice could be extended to all sorts of prejudices and opened the way for almost unlimited objection. The negro was convicted and sentenced to death. His counsel secured a review from the Supreme court, which is unusual in such cases; and what is more unusual secured a reversal of the verdict from an almost unanimous court. Justice McReynolds was the sole dissenter. He was emphatic in his declaration that the decision could but increase the difficulties in the way of enforcing the criminal law by "magnifying theoretical impossibilities." Which may be; but everybody knows racial prejudices, especially in some cases and in some localities, are at times so strong that an unbiased hearing is impossible.

Taking note of the objection that it would be detrimental to the administration of the law to allow questions to jurors as to racial and religious prejudices, Chief Justice Hughes, speaking for the majority of the court, declared that "it would be far more injurious to permit it to be thought that persons entertaining a prejudice were allowed to serve as jurors, and that inquiries designed to elicit the fact of disqualification were barred. No surer way could be devised," the chief justice holds, "to bring the processes of justice into disrepute."

It is recognized among observers of court proceedings down this way that in a criminal action against a black man for injury to a white the black has to overcome prejudice that is inherent. On the contrary, in a civil action ir volving property, no matter whe'.er the black is plaintiff or defendant, he is more than likely to have the advantage in sympathy. Whenever a white man goes to law with a negro about property there is a suspicion that the white is trying to impose on the black and the latter benefits by that feeling even when he is not entitled to it.

Rock. Mo[illegible] Telegram
Saturday, [illegible] 2, 1931

JURIES AND RACE PREJUDICE

Norfolk, which has recently had an enlightening demonstration of the part played by the race factor in bedeviling the processes of justice, should be interested in the United States Supreme court's action this week in granting a new trial to a Washington, D. C., negro found guilty in the lower court of murder, on the ground that the trial court erred in refusing to permit his counsel to ask jurors if they had any prejudice against him because of his race. "The propriety of such an inquiry has been generally recognized," said Chief Justice Hughes in announcing the court's opinion. Justice McReynolds, dissenting from this view, held that enforcement of criminal laws was "scandalously ineffective" and that courts should not increase "their difficulties by magnifying theoretical possibilities."

Theory supports Justice McReynolds but the facts support the chief ju.ce and the majority which sided with him. In theory American justice knows no distinctions of race and no distinctions should be imported into it from the outside. In practice, as every person familiar with conditions in the south knows, the administration of justice is strongly colored by the racial prejudices that rule the environment and the crime. It is no "theoretical possibility" that a negro man may be short changed in southern courts (and in northern courts, too) but an actuality that is demonstrated many times every year. No white man would have been sentenced to the electric chair on the kind of evidence that sufficed to put William Harper a few weeks ago in the shadow of death.

No great revolution in the administration of justice as between the races is to be expected from the Supreme court's decision that jurors may properly be interpellated on their freedom from race prejudice, for the bias which this decision seeks to eliminate is deep-seated and hardly to be neutralized by a verbal assurance of impartiality. But the validation of this kind of jury-qualification is a salutary development. As long as juries are recruited exclusively from white panels—as they invariably are in the south and as they usually are elsewhere in the United States—it is pertinent to the administration of even-handed justice in trials in which negroes are accused of crimes against white people, to take every reasonable precaution against submitting the case to jurors so hopelessly biased on the race question that they are unwilling to give verbal assurance of their neutrality.—Norfolk Virginian-Pilot.

HIGHEST COURT RULES Constitution ON RACIAL QUESTION

4-21-31

WASHINGTON, April 20.—(AP)—A District of Columbia negro sentenced to death for murder was granted a new trial today by the supreme court because the trial judge had not permitted jurors to be asked if they had any [illegible] prejudice.

It was one of three cases in which the court handed down written opinions during a brief [illegible].

Alfred Scott Aldridge, the negro, was convicted of having shot to death Harry J. McDonald, a white policeman, in July, 1929. The District of Columbia court of appeals refused to allow him a new trial on the judge's refusal to permit counsel for Aldridge to ask the jurors if they had any prejudice against the man because he was a negro.

"The propriety of such an inquiry had been generally recognized," Chief Justice Hughes said in announcing the court's decision.

Justice McReynolds, in disagreeing, said enforcement of criminal laws was "scandalously ineffective" and added courts should not increase "their difficulties by magnifying theoretical possibilities."

Two Georgians, however, failed in an effort to have the court give them a respite from death sentences. Cases brought by Burley Adams, convicted of murder in Columbia county, and Arthur Meyers in Richmond county, were dismissed.

Fred Strang, convicted in the federal district court of northern Texas on a charge of using the mails to defraud, attempted to have his sentence set aside on the ground that one of the jurors who tried him had been convicted of manslaughter and was disqualified. The court refused to consider his plea.

Most of the day was devoted to disposing of cases asking reviews, the court refusing to reconsider most of them, one being the government's claim that the estate of the late John Wanamaker, of Philadelphia, owed $10,000,000 in taxes.

The court said it would wait until it heard argument in the case of Thomas L. Wolfe, of Tensas parish, Louisiana, who claims his property is being taken without compensation under the Jadwin flood control program, before it would decide whether it would pass upon the question raised.

NEW YORK TIMES

APR 21 1931

NEGROES CAN BAR PREJUDICE ON JURY

Federal Supreme Court Holds Questions on Race Feeling May Be Asked Talesmen in Trial.

CONDEMNED MAN IS SAVED

Convicted of Killing Capital Policeman After Court Bars Test—Young Lawyer Wins Case.

Special to The New York Times.

WASHINGTON, April 20.—Counsel for a Negro has the right to ask whether jurors who may try him will be affected by race prejudice, according to a decision handed down by the United States Supreme Court today.

The decision saved from the electric chair a Washington Negro, Alfred Scott Aldridge, who was [illegible]nvicted of the murder, in July, [illegible]9, of Harry J. MacDonald, a police[illegible]n, and had been sentenced to die on May 8. His appeal was won by James F. Reilly, a former page in the Senate, now a 28-year-old lawyer appearing for the first time in the Supreme Court. Reilly held the trial court erred in not permitting talesmen to be asked whether they would have prejudice in a case when the defendant was colored and the victim a white policeman.

All members of the Supreme Court except Justice McReynolds united in the opinion written by Chief Justice Hughes in favor of Aldridge. It upset a decision of the District of Columbia Court of Appeals.

One Jury Had Disagreed.

Aldridge was tried once in the District Court, but there was a disagreement. In the second trial in the same court, in which Aldridge was convicted, his counsel, James A. Reilly, told the judge he had heard that in the first trial a Southern woman juror had said the fact that Aldridge was a Negro and the policeman a white man "perhaps some what influenced her." Reilly suggested putting a question of racial prejudice to the new jury, but the judge overruled him, saying he did not think this any more proper than to ask a man "whether he likes an Irishman or Scotchman."

Justice Hughes said in the opinion of the court:

"The argument is advanced on behalf of the government that it would be detrimental to the administration of the law in the courts of the United States to allow questions to jurors as to racial or religious prejudices. We think it would be far more injurious to permit it to be thought that persons entertaining disqualifying prejudice were allowed to serve as jurors and inquiries designed to elicit the fact of this disqualification were barred. No surer way could be devised to bring the processes of justice into disrepute.

Judge Acted Summarily.

"The reference to what counsel had heard as to the attitude of a juror on a previous trial, where the jury had disagreed, indicated the purpose of the question, which was clear enough to invoke appropriate action by the court. If the court had permitted the question it doubtless would have been properly qualified. But the court, interrupting counsel, disposed of the inquiry summarily.

"The court failed to ask any question which could be deemed to cover the subject. If the defendant was entitled to have jurors asked whether they had any racial prejudice, by reason of the fact the defendant was a Negro and the deceased a white man, which would prevent their giving a fair and impartial verdict, we cannot properly disregard the court's refusal merely because of the form in which the inquiry was presented."

Mr. Hughes said the question of racial prejudice had been asked about in various trials, in Florida, Mississippi, New York and elsewhere.

No Question of Civil Privileges.

"We do not overlook," he continued, "the reference of the Court of Appeals in support of the ruling of the trial court to conditions in the District of Columbia, 'where the colored race is accorded privileges and rights under the law that are afforded the white race and especially the right to practice in the courts, serve on the jury, &c.'; but the question is not as to the civil privileges of the Negro, or as to the dominant sentiment of the community and the general absence of any disqualifying prejudice, but as to the bias of the particular jurors who are to try the accused.

"In fact if, sharing the genera[illegible] sentiment, they were found to be impartial, no harm would be done in permitting the question, but if any one of them was shown to entertain a prejudice which would prejudice his rendering a fair verdict, a gross injustice would be perpetrated in allowing him to sit.

"Despite the privileges accorded to the Negro we do not think it can be said that the possibility of such prejudice is so remote as to justify the risk in forbidding the inquiry. And this risk becomes most grave when the issue is of life or death."

McReynolds Sees No Prejudice.

Justice McReynolds, in dissenting from the opinion, said no one knows precisely what constitutes race prejudice, adding that the trial judge and the Appellate Court should be sustained in their attitude that there was no prejudice materially affecting

Court Decisions, Affecting the Negro - 1931

Upholding a Civil Right

Amsterdam News
4-29-31

THE MOST IMPORTANT NEWS of last week was the decision of the United States Supreme Court in the Case of Alfred S. Aldridge. In July, 1929, Aldridge was charged with the murder of a white policeman in Washington, D. C. In his first trial the jury disagreed. Aldridge's attorney, James F. Reilly, said he heard later that a woman juror said she was a Southerner and was prejudiced against the defendant. A second trial was held in the District Supreme Court, and Aldridge was convicted of murder in the first degree. This conviction was later upheld by the Court of Appeals of the District of Columbia. On a writ of certiorari the case was then taken to the United States Supreme Court, which reversed the judgment of the lower courts. Aldridge, who was to have been electrocuted May 8, will be given a new trial.

New York 7-1-74

SEVERAL ASPECTS of this case raise it above an ordinary trial for murder. For one, the decision of the Supreme Court rested not upon the probable guilt or innocence of the defendant, but upon the question whether he had been given his full civil rights. In reviewing the second trial the court decided that he had not.

IN THE SECOND TRIAL Mr. Reilly, the defendant's counsel, requested that the prospective jurors be asked whether they entertained any prejudice that might influence them against a colored man who had killed a white man. The judge refused to admit the question, saying that it was improper. When reminded that a Southern female juror in the previous trial had confessed prejudice, the judge replied that that was another jury. The jury was then empaneled without having to answer any questions about race prejudice.

THE UNITED STATES SUPREME COURT held that Mr. Reilly's request relative to race prejudice was not improper or immaterial, that it referred directly to such a prejudice as would disqualify a juror, and therefore should have been granted. It held, further, that the trial judge had failed to ask any question of the jurors which could be deemed to cover the subject. The defendant was clearly entitled to have the jurors asked whether the fact that the defendant was a Negro and the deceased a white man would prevent their giving a fair and impartial verdict. Cases were cited in which the Supreme Courts of Florida, Mississppi, North Carolina, Texas, South Carolina, Washington and California had reversed convictions in trials where courts had refused to allow prospective jurors to be questioned regarding racial prejudice.

THE COURT OF APPEALS, in sustaining the judgment of the District Supreme Court, had said that in the District of Columbia "the colored race is accorded all the rights and privileges under the law that are afforded the white race." The United States Supreme Court replied that "the question is not as to the civil rights of the Negro . . . . but as to the bias of the particular jurors who are to try the accused . . . . if any one of them was shown to entertain a prejudice which would preclude his rendering a fair verdict, a gross injustice would be perpetrated in allowing him to sit. Despite the privileges accorded the Negro, we do not think it can be said that the possibility of such prejudice is so remote as to justify the risk in forbidding the inquiry. And this risk becomes more grave when the issue is of life or death."

THE ARGUMENT had been made that it would be detrimental to the administration of the law to allow questions to jurors as to racial or religious prejudice. This argument should be settled forever by the Supreme Court's reply: "We think that it would be far more injurious to permit it to be thought that persons entertaining disqualifying prejudice were allowed to serve as jurors, and that inquiries designed to elicit the fact of disqualification were barred. No surer way could be devised to bring the prosesses of justice into disrepute."

SUCH WAS THE OPINION of eight of the nine members of the United States Supreme Court. The one dissenting voice was that of Justice McReynolds, who comes from Tennessee. Coming from the only Southerner on the bench, his opinion is significant. There is little use in commenting on his contemptuous attitude toward the fundamental rights of an American citizen on trial for his life; it speaks for itself. He wrote as follows:

> Solely because of the refusal of the trial judge to propound an undisclosed question "relative to racial prejudice" (whatever that may be), we are asked to upset a judgment approved by the judges of both local courts who, it is fair to presume, understand conditions in the district better than we do. . . . . It does appear that counsel said he understood that at a former trial a female juror, a Southerner (whatever that may mean), declared 'the fact the defendant was a Negro and the deceased a white man perhaps somewhat influenced her." . . . . Must we therefore decide that "perhaps" and accordingly some member of the second jury failed to act fairly, intelligently, and without due regard to his oath? Two local courts could not conclude that there was adequate reason for holding that the accused man had suffered deprivation of any substantial right through refusal by the trial judge to ask prospective jurors something relative to race prejudice. . . . . It is their (the courts') province to deal with matters actual and material; to promote order, and not [illegible]under it by excessive theorizing or by magnifying w[illegible] in actual practice is not really important.

e remarks of Justice McKeynolds should en-
n. The Negro's last haven of justice is the
ourt of the land. He knows what to expect
upreme courts in most parts of the country. The
of the lower c[illegible] confirmation of his fears is the death sen-
most recent co[illegible] posed two weeks ago upon eight Negro youths
tence imposed in Alabama, after a "trial" probably to Justice Mc-
Reynolds' likin[illegible]. It is reassuring to the Negro to know
that in the sup[illegible] supreme tribunal of the nation the recogni-
tion of his civi[illegible] civil rights, though not unanimous, is safely
dominant.

WHAT AN ECHO this is of the days of 1859, of the Dred Scott decision, in which Chief Justice Taney said that "the Negro has no rights that the white man is bound to respect"! Justice McReynolds of Tennessee intimates that he does not know what race prejudice is, or what a Southerner is, and that the civil rights of a Negro on trial for his life are "not really important."

IF ANYBODY WONDERS why the Negroes fought so hard to keep Judge John J. Parker, another Southerner, off the bench of the United States Supreme

Court Decisions Affecting the Negro - 1931

Upholding a Civil Right

4-24-31

THE MOST IMPORTANT NEWS of last week was the decision of the United States Supreme Court in the Case of Alfred S. Aldridge. In July, 1929, Aldridge was charged with the murder of a white policeman in Washington, D. C. In his first trial the jury disagreed. Aldridge's attorney, James F. Reilly, said he heard later that a woman juror said she was a Southerner and was prejudiced against the defendant. A second trial was held in the District Supreme Court, and Aldridge was convicted of murder in the first degree. This conviction was later upheld by the Court of Appeals of the District of Columbia. On a writ of certiorari the case was then taken to the United States Supreme Court, which reversed the judgment of the lower courts. Aldridge, who was to have been electrocuted May 8, will be given a new trial.

SEVERAL ASPECTS of this case raise it above an ordinary trial for murder. For one, the decision of the Supreme Court rested not upon the probable guilt or innocence of the defendant, but upon the question whether he had been given his full civil rights. In reviewing the second trial the court decided that he had not.

IN THE SECOND TRIAL Mr. Reilly, the defendant's counsel, requested that the prospective jurors be asked whether they entertained any prejudice that might influence them against a colored man who had killed a white man. The judge refused to admit the question, saying that it was improper. When reminded that a Southern female juror in the previous trial had confessed prejudice, the judge replied that that was another jury. The jury was then empaneled without having to answer any questions about race prejudice.

THE UNITED STATES SUPREME COURT held that Mr. Reilly's request relative to race prejudice was not improper or immaterial, that it referred directly to such a prejudice as would disqualify a juror, and therefore should have been granted. It held, further, that the trial judge had failed to ask any question of the jurors which could be deemed to cover the subject. The defendant was clearly entitled to have the jurors asked whether the fact that the defendant was a Negro and the deceased a white man would prevent their giving a fair and impartial verdict. Cases were cited in which the Supreme Courts of Florida, Mississippi, North Carolina, Texas, South Carolina, Washington and California had reversed convictions in trials where courts had refused to allow prospective jurors to be questioned regarding racial prejudice.

THE COURT OF APPEALS, in sustaining the judgment of the District Supreme Court, had said that in the District of Columbia "the colored race is accorded all the rights and privileges under the law that are afforded the white race." The United States Supreme Court replied that "the question is not as to the civil rights of the Negro .... but as to the bias of the particular jurors who are to try the accused .... if any one of them was shown to entertain a prejudice which would preclude his rendering a fair verdict, a gross injustice would be perpetrated in allowing him to sit. Despite the privileges accorded the Negro, we do not think it can be said that the possibility of such prejudice is so remote as to justify the risk in forbidding the inquiry. And this risk becomes more grave when the issue is of life or death."

THE ARGUMENT had been made that it would be detrimental to the administration of the law to allow questions to jurors as to racial or religious prejudice. This argument should be settled forever by the Supreme Court's reply: "We think that it would be far more injurious to entertaining disqu

fairly, intelligently, and without due regard to his oath? Two local courts could not conclude that there was adequate reason for holding that the accused man had suffered deprivation of any substantial right through refusal by the trial judge to ask prospective jurors something relative to race prejudice. . . . . It is their (the courts') province to deal with matters actual and material; to promote order, and not to hinder it by excessive theorizing or by magnifying what in actual practice is not really important.

WHAT AN ECHO this is of the days of 1859, of the Dred Scott decision, in which Chief Justice Taney said that "the Negro has no rights that the white man is bound to respect"! Justice McReynolds of Tennessee intimates that he does not know what race prejudice is, or what a Southerner is, and that the civil rights of a Negro on trial for his life are "not really important."

IF ANYBODY WONDERS why the Negroes fought so hard to keep Judge John J. Parker, another Southerner, off the bench of the United States Supreme Court, the remarks of Justice McReynolds should enlighten him. The Negro's last haven of justice is the supreme court of the land. He knows what to expect of the lower courts in most parts of the country. The most recent confirmation of his fears is the death sentence imposed two weeks ago upon eight Negro youths in Alabama, after a "trial" probably to Justice McReynolds' liking. It is reassuring to the Negro to know that in the supreme tribunal of the nation the recognition of his civil rights, though not unanimous, is safely dominant.

Girl Wins $1,500 Award

ATLANTA, Ga. — (ANS) — A judgment of $1,500 was awarded a 12-year-old colored girl of Thomasville. It was alleged that she was hung by the wrist for picking up a piece of candy in an Atlantic and Pacific Tea Store.

The complaint by a next friend of Charlie Mae Dowling against the company and Cecil Moore, manager of the store, alleged that the store manager slapped the girl, and then tied her wrists to the ceiling so that she was forced to stand on tiptoes for two hours until her foster mother paid $5 for her release.